

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:13CR45
)
vs.) ORDER
)
TYLER JOSEPH KEUP,)
)
Defendant.)

This matter is before the court on the motion to continue by defendant Tyler Joseph Keup (Keup) (Filing No. 23). Keup seeks a continuance of the trial of this matter which is scheduled for May 13, 2013. Keup's counsel has represented to the court that Keup will submit an affidavit wherein Keup represents that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted in part.

IT IS ORDERED:

1. Keup's motion to continue trial (Filing No. 23) is granted to the extent set forth below.
2. Trial of this matter is re-scheduled for **August 12, 2013**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 1, 2013, and August 12, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 1st day of May, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge